

Message

From: Smith, Judy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0EE19F414AED418DA7EA753C0A1D7B85-SMITH, JUDY]
Sent: 3/11/2014 9:12:56 PM
To: Hough, Palmer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51cd0b0d81ac416fa265944d6e6575ce-PHough]
CC: Fertik, Rachel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1a6c790cf3c54a61a6dbb8668509d74c-RFertik]
Subject: FW: Status of Kentucky 404(c)

This is the source of her interest in the Big Branch.

-----Original Message-----

From: Oxford, Mariah [mailto:moxford@bristol-companies.com]
Sent: Tuesday, March 11, 2014 1:23 PM
To: Smith, Judy
Subject: RE: Status of Kentucky 404(c)

It sure does. One of our researchers had found this paper; its use of reference to an existing 404(c) process in Kentucky is misleading, which proves we should always go to the main source!

<http://www.sjel.org/vol2/using-the-clean-water-act-to-prohibit-unacceptable-environmental-impacts-of-the-proposed-pebble-mine.html>

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From: Smith, Judy [Smith.Judy@epa.gov]
Sent: Tuesday, March 11, 2014 12:19 PM
To: Oxford, Mariah
Subject: RE: Status of Kentucky 404(c)

Hi Mariah -

Since the Clean Water Act was passed in 1972, EPA has initiated 29 404(c) actions, and of those 13 have progressed to a final action known as a Final Determination. In the other 16 cases, based on input received during the multi-step 404(c) review process, EPA decided not to move forward and issue final restrictions or prohibitions. In the case of the Big Branch coal mine in Kentucky, EPA Staff worked with representatives of the mine operator to identify changes to the project that would significantly reduce anticipated impacts to ecologically important streams, resolving EPA's outstanding concerns.

Hope this helps,

Judy

-----Original Message-----

From: Oxford, Mariah [mailto:moxford@bristol-companies.com]
Sent: Thursday, March 06, 2014 2:43 PM
To: Smith, Judy
Subject: Status of Kentucky 404(c)

Hi Judy,

Thank you again for giving me a heads up last week - I was able to listen in on the conference and do a quick Facebook message before I got on the road.

Sonya and I have been reviewing 404(c) history and procedures to help supplement our overview of the Watershed Assessment. We're hoping to print and send in the next week or so.

One question that has come up regards reference to a 404(c) action at the Big Branch coal mine in Kentucky. One of our researchers noted that it was still pending, but I've not been able to find any documentation on it since this letter in 2009.

http://www.epa.gov/owow/wetlands/pdf/BigBranch_15DayExtension_5-13-09.pdf

I'm likely not looking in the right places. What would be the easiest way of finding out status on this? (I know it's a separate region, but thought you might be able to guide me). Thank you Judy.

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